

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:
City of Detroit, Michigan,
Debtor.

Chapter 9
Case No. 13-53846
Hon. Steven W. Rhodes

**Order Denying Application to Proceed in District Court
Without Prepaying Fees (Dkt. #3019)**

Jeffrey Sanders has filed an appeal and an Application to Proceed in District Court Without Prepaying Fees. For the reasons stated herein, the application is denied.

28 U.S.C. § 1930(f) is the only provision that addresses the waiver of fees. Subparts (1) and (2) of subsection (f) refer only to the court's ability to waive certain fees for debtors in chapter 7 cases. Subpart (3) states that the subsection does not restrict a bankruptcy court from waiving fees prescribed under that section for other debtors and creditors in accordance with Judicial Conference policy. However, the Judicial Conference has not set any standard or policy in relation to waiving fees for other debtors and creditors.

Several cases have held that the court lacks the authority to waive the fee in these circumstances. In *In re Thomas*, 2010 WL 3282633 (W.D. Okla. Aug. 18, 2010), the district court affirmed the bankruptcy court's denial of the debtor's request to waive the appeal fee on grounds that it did not have authority to waive the fee. In *In re LeGare*, 2013 WL 5417212 (Bankr. N.D. Ohio Sept. 26, 2013) the court denied a creditor's request to waive the adversary proceeding fee for lack of authority to do so under § 1930(f)(3). In *Bernegger v. King*, 2011 WL 1743880 (E.D. Wis. May 6, 2011), the court denied a debtor's request to waive the appeal fee because, among other things, the appeal was brought in bad faith.

In this case, the Court would further find that even if it had the authority and discretion to waive the appeal fee, it would not do so. The pleading that forms the basis of the appeal is frivolous and virtually incomprehensible. Therefore the Court must conclude that the appeal is also quite likely frivolous as well.

Not for Publication

Signed on March 24, 2014

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge